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**THE LAW ON OCCUPATIONAL SAFETY AND HEALTH OF
FOREIGN WORKERS IN MALAYSIA**

DIANA QUAH KAR BEE (811858)



UUM
Universiti Utara Malaysia

**MASTER OF LAW
UNIVERSITI UTARA MALAYSIA
2017**

**THE LAW ON OCCUPATIONAL SAFETY AND HEALTH OF
FOREIGN WORKERS IN MALAYSIA**



DIANA QUAH KAR BEE (811858)

UUM
Universiti Utara Malaysia



Kolej Undang-Undang, Kerajaan dan Pengajian Antarabangsa
(College of Law, Government and International Studies)
Universiti Utara Malaysia

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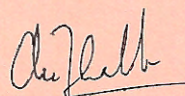
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(Name of Student) : DIANA QUAH KAR BEE (811858)

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Penyelia
(Supervisor) : DR. CHE THALBI MD. ISMAIL


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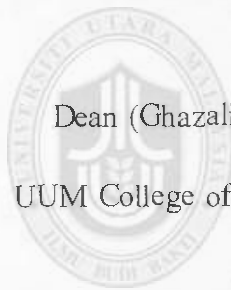


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Abstrak

Penghijrahan sempadan mempunyai sejarah yang panjang di Malaysia terutamanya pada abad ke-21 apabila penghijrahan buruh semakin meningkat. Terdapat juga peningkatan bilangan kes yang menjadi tajuk utama dalam platform media antarabangsa yang membabitkan Malaysia membebaskan keadilan vigilante apabila mengendalikan pekerja asing tanpa mengambil kira undang-undang. Tujuan penyelidikan ini adalah untuk menganalisis beberapa undang-undang yang memberikan perlindungan terhadap pekerja asing di Malaysia terutama dalam aspek Keselamatan dan Kesihatan Pekerjaan (OSH). Matlamat kajian ini adalah untuk melihat beberapa bahagian undang-undang yang mempunyai objektif dalam memperoleh tempat kerja yang lebih selamat untuk semua pekerja, terutamanya pekerja asing. Mereka adalah golongan yang lebih berkemungkinan terlibat disebabkan oleh keadaan tempat kerja yang tidak selamat yang boleh mengakibatkan kecederaan dan penyakit atas sifat kerja mereka itu sendiri. Beberapa bahagian undang-undang seperti Akta Keselamatan Pekerjaan dan Kesihatan 1994 (OSHA 1994), Konvensyen Keselamatan Pekerjaan dan Kesihatan ILO 1985 dan Pelan Induk Kesihatan Malaysia 2015 (OSH-MP 2015) adalah bahagian utama yang dilihat dalam kajian ini. Penyelidik juga memasukkan kajian dan perbincangan bidang lain seperti Akta Pampasan Pekerja 1952, Akta Keselamatan Sosial Pekerja 1969 (PERKESO), Akta Pekerjaan 1955 dan Akta Imigresen 1959/63 untuk melengkapkan cadangan penambahbaikan undang-undang. Kajian ini merupakan kajian kualitatif yang melibatkan analisis kedua-dua data yang dikumpulkan dari wawancara mendalam dari dua kategori responden; majikan dan pekerja asing, penyelidikan perpustakaan mengenai bidang undang-undang dan kajian kes. Penemuan menunjukkan bahawa undang-undang semasa terutamanya OSHA 1994 dan undang-undang berkaitan lain tidak mencukupi untuk melindungi keselamatan dan kesihatan pekerja asing di Malaysia. Majoriti majikan dan pekerja asing juga tidak mengetahui undang-undang semasa terutamanya OSHA 1994 dan undang-undang lain yang berkaitan dengan perlindungan keselamatan dan kesihatan pekerja asing di tempat kerja. Kajian ini adalah penting dan memberi manfaat kepada majikan yang melibatkan pekerja asing kerana ini boleh meningkatkan keuntungan majikan apabila jumlah pampasan yang dibayar untuk kecederaan pekerja asing dikurangkan. Sebagai saranan untuk kajian masa depan, terdapat cadangan yang meliputi bahagian undang-undang lain yang boleh diperbaiki dalam OSHA 1994 selepas meneliti semua peruntukan yang berkaitan dan mengambil garis panduan dari negara-negara maju yang lain seperti negara Amerika Syarikat.

Kata kunci: KESELAMATAN TEMPAT KERJA, PEKERJA ASING, KESELAMATAN & KESIHATAN PEKERJAAN, MALAYSIA

Abstract

Cross border migration has a long history in Malaysia especially in the 21st century where labour migration is on the increase. There is also an increase in the number of cases that make headlines in the international media platform involving Malaysia dispensing vigilante justice when it comes to treating the migrant workers without any regard for the law. The purpose of this research is to analyse some of the relevant legislations which protect migrant workers in Malaysia especially in the aspects of workers Occupational Safety and Health (OSH). The aim of this study is to look into some areas of law which have the objective of achieving a safer workplace for all workers, especially for migrant workers. Migrant workers are the ones who will likely be affected due to unsafe conditions at workplace which could inflict injuries and illnesses from the nature of their work. Few areas of law such as the Occupational Safety and Health Act 1994 (OSHA 1994) and the 1985 ILO Convention and Occupational Safety and Health Master Plan for Malaysia 2015 (OSH-MP 2015) are the main areas that were looked into in this study. The researcher also included studies and discussions on other areas such as the Workmen's Compensation Act 1952, the Employees' Social Security Act 1969 (SOCSO), the Employment Act 1955 and the Immigration Act 1959/63 to complement suggestions for further improvement of the law. This is a qualitative study involving the analysis of data collected from in-depth interviews from two categories of respondents; employers and the migrant workers, library research on the area of law and case study. The findings show that the current legislation especially the OSHA 1994 and other related laws are insufficient to protect the safety and health of migrant workers in Malaysia. The majority of the employers and migrant workers are also not aware about the current legislation especially the OSHA 1994 and other related laws regarding the protection of safety and health of migrant workers at workplace. This study is important and beneficial to employers engaging migrant workers because it will then lead to the growth of profits of the employers when the amount of remedy and compensation paid for their injury is reduced. As a recommendation for future research, there are suggestions which cover other areas that can be improved in OSHA 1994 after examining all provisions which are relevant and taking the guidelines from other developed countries such as the United States of America.

**Keywords: WORKPLACE SAFETY, MIGRANT WORKERS,
OCCUPATIONAL SAFETY & HEALTH, MALAYSIA**

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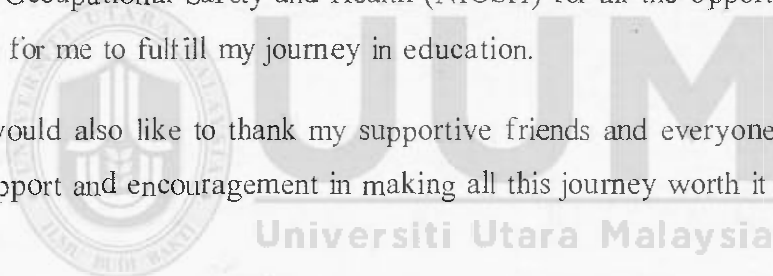


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CHAPTER ONE

INTRODUCTION

1.1 Background

This paper consists of a study conducted by the researcher on the areas of law governing Occupational Safety and Health at workplace that is affecting the foreign workers. The data collected for this study is via two methods namely the library research on the provisions of law, cases (both reported and unreported) and journals, articles and secondly via interview conducted with two categories of participants namely the employers of foreign workers and the foreign workers themselves and the purpose and significance of this study will be further discussed in chapter 1.4.

A rapidly industrializing country like Malaysia has been putting in effort to improve the safety and health of the country's workforce because the vision is to achieve the title of developed country status by year 2020. In Malaysia, there are many legally employed migrant workers that are normally hired on fixed term duration.

This study is about looking into some of the current relevant legislations which has the purpose of providing protection towards migrant workers in Malaysia especially in the aspect of Occupational, Safety and Health.

Relevant pieces of statutes such as Occupational Safety and Health 1994, Workmen's Compensation Act 1952, Employment Act 1955, Trade Unions Act 1959, SOCSO and some case studies were looked into by the researcher while conducting this study and problems relating to these statutes was highlighted for the purpose of obtaining more information to support the accuracy of the information.

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APPENDICES

Appendix A – Interview Consent Form for Employer

Consent Form for In-depth interview (for the employer)



The Law of Occupational Safety and Health of Foreign Workers in Malaysia

Student/Researcher

Diana Quah Kar Bee

Master of Law

Universiti Utara Malaysia

dianaquah87@yahoo.com.hk

Student Supervisor

Dr. Che Thalbi Md. Ismail

Senior Lecturer

Universiti Utara Malaysia

chet1048@uum.edu.my

I am a student in the Masters of Law at Universiti Utara Malaysia. My research, entitled "*The Law on Occupational Safety and Health*" aims to identify the actual difficulties and exploitation faced by the foreign workers and to examine and analyse if the law governing health and safety protection sufficient to protect the foreign workers? My hope is that my research will suggest for the improvement on law to better protect the foreign workers in Malaysia

Description

Research participants are asked to complete a face-to-face research interview. If you agree, you would be asked questions concerning your personal experiences of hiring foreign workers in Malaysia and the difficulties faced. With your permission, the interview would be audio reported. Your participation would require approximately 30 minutes of your time. Your identity will remain anonymous.

Risk of harm to participant

Nil

Management of Research Information/Data All records or your participation would be confidential. Only my supervisor and I will have access to information in which

you are identified. With your permission, the interview would be audio recorded and later transcribed into text. Upon your request, you will be provided a copy of the transcript and invited to make changes to the transcript as you wish (e.g. if you would like withdraw a particular statement you made during an interview). Electronic data will be stored on a password-protected computer. Signed consent forms and paper copies of interview transcripts will be stored in a locked file cabinet in my home.

Use of Research Information

The results of this study will be published in my Masters thesis, and may also be used for conference publications, presentations, and published in peer-reviewed journals.

Participation and withdrawal

Your participation is completely voluntary. You may withdraw from the study at any time where practicable, for any reason, and without explanation. If you would like to review and potentially make changes to the transcript of the interview, you are allowed to do so. If you choose to withdraw from the study, all information you provided during the interview would be withdrawn from the study and destroyed.

Consent and Conditions of Consent

I have read and understand the information provided above, and hereby consent to participate in this research under the following conditions:

I consent to the interview being audio recorded.	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
I consent to being identified by name in the products of the research.	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
I consent to being quoted in the products of the research.	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No

Participant Name _____ Participant Signature _____

Commitment of Student/Researcher

I, Diana Quah, promise to adhere to the procedures described in this consent form.

Student/Researcher Signature _____ Date _____

Participants should be provided a copy of the signed consent form.

Borang Keizinan untuk temuduga yang mendalam (untuk majikan)



UUM
Universiti Utara Malaysia

Undang-undang Keselamatan dan Kesihatan Pekerja Asing di Malaysia

Pelajar / Penyelidik

Diana Quah Kar Bee

Master of Law

Universiti Utara Malaysia

dianaquah87@yahoo.com.hk

Penyelia pelajar

Dr. Che Thalbi Md. Ismail

Senior Lecturer

Universiti Utara Malaysia

chet1048@uum.edu.my

Saya seorang pelajar dalam Sarjana Undang-undang di Universiti Utara Malaysia. Kajian saya yang bertajuk "Undang-undang Keselamatan dan Kesihatan Pekerjaan bertujuan untuk mengenal pasti masalah sebenar dan eksploitasi yang dihadapi oleh pekerja asing dan untuk memeriksa dan menganalisis jika undang-undang yang mengawal kesihatan dan perlindungan keselamatan yang mencukupi untuk melindungi pekerja asing? Saya berharap bahawa penyelidikan saya akan dapat membuat cadangan untuk penambahbaikan pada undang-undang untuk melindungi pekerja asing di Malaysia

Penerangan

Peserta kajian diminta untuk melengkapkan wawancara penyelidikan muka-ke-muka. Jika anda bersetuju, anda perlu menjawab soalan mengenai pengalaman peribadi pengambilan pekerja asing di Malaysia dan kesukaran yang dihadapi. Dengan kebenaran anda, temu bual itu akan direkod dalam bentuk audio. Penyertaan anda akan memerlukan kira-kira 30 minit masa anda. Identiti anda akan kekal tanpa nama.

Risiko bahawa kepada peserta

Tiada

Pengurusan Penyelidikan Maklumat / Data

Semua rekod atau penyertaan anda adalah sulit. Hanya penyelia saya dan saya akan mempunyai akses kepada maklumat di mana anda dapat dikenalpasti. Dengan kebenaran anda, temu bual itu akan menjadi audio yang dirakam dan kemudian disalin ke dalam teks. Atas permintaan anda, anda akan diberikan satu salinan transkrip dan dijemput untuk membuat perubahan kepada transkrip yang anda mahu (contohnya jika anda ingin menarik balik kenyataan tertentu yang anda dibuat semasa temu bual). Data elektronik akan disimpan pada komputer yang dilindungi dengan kata laluan. Borang

persetujuan yang telah ditandatangani dan salinan kertas transkrip temu bual akan disimpan di dalam kabinet fail dikunci di rumah saya.

Penggunaan Maklumat Penyelidikan

Keputusan kajian ini akan diterbitkan dalam tesis Sarjana saya, dan juga boleh digunakan untuk penerbitan persidangan, persembahan, dan diterbitkan dalam jurnal ulasan.

Penyertaan dan pengeluaran

Penyertaan anda adalah secara sukarela. Anda boleh menarik diri daripada kajian ini pada bila-bila masa, untuk sebarang sebab dan tanpa penjelasan. Jika anda ingin menyemak dan ingin membuat perubahan kepada transkrip temu bual itu, anda dibenarkan untuk berbuat demikian. Jika anda memilih untuk menarik diri daripada kajian ini, semua maklumat yang anda berikan semasa temu duga akan ditarik balik daripada kajian dan dimusnahkan.

Persetujuan dan Syarat persetujuan

Saya telah membaca dan memahami maklumat yang diberikan di atas, dan dengan ini bersetuju untuk mengambil bahagian dalam kajian ini di bawah syarat-syarat berikut:

Saya bersetuju untuk temuduga saya dirakam dalam bentuk audio

☐

Ya

☐

Tidak

Saya bersetuju untuk dikenal pasti dengan nama dalam produk penyelidikan.

☐

Ya

☐

Tidak

Saya bersetuju untuk dinamakan dalam produk penyelidikan.

☐

Ya

☐

Tidak

Nama Peserta _____ Tandatangan Peserta

Komitmen Student / Penyelidik

Saya, Diana Quah, berjanji untuk mematuhi prosedur yang diterangkan dalam bentuk kebenaran ini.

Tandatangan Palajar/Penyelidik _____ Tarikh

Peserta perlu disediakan satu salinan borang persetujuan yang ditandatangani.

深入訪談同意書（為雇主）



UUM
Universiti Utara Malaysia

馬來西亞職業安全與衛生法

學生/研究員

Diana Quah Kar Bee

法學碩士

Universiti Utara Malaysia

dianaquah87@yahoo.com.hk

學生主管

Dr. Che Thalbi Md. Ismail

高級講師

Universiti Utara Malaysia

chet1048@uum.edu.my

我是馬來西亞猶他州大學法學碩士的學生。我的題為“職業安全衛生法”的研究旨在確定外來工人面臨的實際困難和剝削情況，審查和分析健康和保護法律是否足以保護外來工人？我的希望是，我的研究將提出改善法律，以更好地保護馬來西亞的外國工人。

描述

研究參與者被要求完成面對面的研究訪談。如果你同意，你會被問到關於你在馬來西亞僱用外國工人的經歷和遇到的困難的問題。在你的允許下，採訪將會被錄音。您的參與將需要大約30分鐘的時間。您的身份將保持匿名。

對參與者有危害的風險

研究信息/數據管理

所有記錄或您的參與將是保密的。只有我的主管和我才能訪問您被識別的信息。經您的許可，面試將被錄音，後來轉錄成文字。根據您的要求，您將被提供抄本副本，並邀請您根據需要對抄本進行更改（例如，如果您想撤回在面試過程中所作的特定聲明）。電子數據將存儲在受密碼保護的計算機上。簽名的同意書和面試成績單的紙質副本將存儲在我家中的鎖定文件櫃中。

研究信息的使用

本研究的結果將在我的碩士論文中發表，也可用於會議出版物，演示文稿，並發表在同行評議的期刊上。

參與退出

你的參與完全是自願的。您可以隨時在任何時候退出研究，無論何種原因，無需解釋。如果您想查看並可能對面試的成績單進行更改，您可以這樣做。如果您選擇退學，您在面試過程中提供的所有信息都將從研究中撤銷並被銷毀。

同意和同意條件

我已閱讀並理解上述信息，並同意在以下條件下參與本研究：

我同意面試錄音。

☐

是

☐

不

我同意在研究產品中以名稱確定。

☐

是

☐

不

我同意在研究的產品中引用。

☐

是

☐

不

參與者姓名 _____ 參與者簽名 _____

學生/研究員承諾

我，戴安娜誇，承諾遵守本同意書中描述的程序。

學生/研究員簽名 _____ 日期 _____

應向與會者提供簽署的同意書副本。

Appendix B – Consent Form for Employee

Consent Form for In-depth interview (for employee)



The Law of Occupational Safety and Health of Foreign Workers in Malaysia

Student/Researcher

Diana Quah Kar Bee
Master of Law
Universiti Utara Malaysia
dianaquah87@yahoo.com.hk

Student Supervisor

Dr. Che Thalbi Md. Ismail
Senior Lecturer
Universiti Utara Malaysia
chet1048@uum.edu.my

I am a student in the Masters of Law at Universiti Utara Malaysia. My research, entitled "*The Law on Occupational Safety and Health*" aims to identify the actual difficulties and exploitation faced by the foreign workers and to examine and analyse if the law governing health and safety protection sufficient to protect the foreign workers? My hope is that my research will suggest for the improvement on law to better protect the foreign workers in Malaysia

Description

Research participants are asked to complete a face-to-face research interview. If you agree, you would be asked questions concerning your personal experiences of difficulties and exploitation faced working in Malaysia. Also you will be asked about the possible danger faced while working with your employer. With your permission, the interview would be audio reported. Your participation would require approximately 30 minutes of your time. Your identity will remain anonymous.

Risk of harm to participant

Since the questions asked could be somewhat controversial, you may face the risk of your employer finding out about your participation in this interview and exposing the truth about the inequality treatment from your employer.

Management of Research Information/Data All records or your participation would be confidential. Only my supervisor and I will have access to information in which

you are identified. With your permission, the interview would be audio recorded and later transcribed into text. Upon your request, you will be provided a copy of the transcript and invited to make changes to the transcript as you wish (e.g. if you would like withdraw a particular statement you made during an interview). Electronic data will be stored on a password-protected computer. Signed consent forms and paper copies of interview transcripts will be stored in a locked file cabinet in my home.

Use of Research Information

The results of this study will be published in my Masters thesis, and may also be used for conference publications, presentations, and published in peer-reviewed journals.

Participation and withdrawal

Your participation is completely voluntary. You may withdraw from the study at any time where practicable, for any reason, and without explanation. If you would like to review and potentially make changes to the transcript of the interview, you are allowed to do so. If you choose to withdraw from the study, all information you provided during the interview would be withdrawn from the study and destroyed.

Consent and Conditions of Consent

I have read and understand the information provided above, and hereby consent to participate in this research under the following conditions:

I consent to the interview being audio recorded.

☐

Yes

☐

No

I consent to being identified by name in the products of the research.

☐

Yes

☐

No

I consent to being quoted in the products of the research.

☐

Yes

☐

No

Participant Name _____ Participant Signature _____

Commitment of Student/Researcher

I, Diana Quah, promise to adhere to the procedures described in this consent form.

Student/Researcher Signature _____ Date _____

Participants should be provided a copy of the signed consent form.

Borang Keizinan untuk temuduga yang mendalam (untuk perkerja)



Undang-undang Keselamatan dan Kesihatan Pekerja Asing di Malaysia

Pelajar / Penyelidik

Diana Quah Kar Bee
Master of Law
Universiti Utara Malaysia
dianaquah87@yahoo.com.hk

Penyelia pelajar

Dr. Che Thalbi Md. Ismail
Senior Lecturer
Universiti Utara Malaysia
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Saya seorang pelajar dalam Sarjana Undang-undang di Universiti Utara Malaysia. Kajian saya yang bertajuk "Undang-undang Keselamatan dan Kesihatan Pekerjaan bertujuan untuk mengenal pasti masalah sebenar dan eksploitasi yang dihadapi oleh pekerja asing dan untuk memeriksa dan menganalisis jika undang-undang yang mengawal kesihatan dan perlindungan keselamatan yang mencukupi untuk melindungi pekerja asing? Saya berharap bahawa penyelidikan saya akan dapat membuat cadangan untuk penambahbaikan pada undang-undang untuk melindungi pekerja asing di Malaysia

Penerangan

Peserta kajian diminta untuk melengkapkan wawancara penyelidikan muka-ke-muka. Jika anda bersetuju, anda perlu menjawab soalan mengenai pengalaman peribadi pengambilan pekerja asing di Malaysia dan kesukaran yang dihadapi. Dengan kebenaran anda, temu bual itu akan direkod dalam bentuk audio. Penyertaan anda akan memerlukan kira-kira 30 minit masa anda. Identiti anda akan kekal tanpa nama.

Risiko bahaya kepada peserta

Sejak soalan yang ditanya agak kontroversi, anda mungkin menghadapi risiko majikan anda mendapat tahu tentang penyertaan anda dalam temu bual ini dan mendedahkan kebenaran tentang rawatan ketidaksetaraan dari majikan anda.

Pengurusan Penyelidikan Maklumat / Data

Semua rekod atau penyertaan anda adalah sulit. Hanya penyelia saya dan saya akan mempunyai akses kepada maklumat di mana anda dapat dikenalpasti. Dengan kebenaran anda, temu bual itu akan menjadi audio yang dirakam dan kemudian disalin ke dalam teks. Atas permintaan anda, anda akan diberikan satu salinan transkrip dan dijemput untuk membuat perubahan kepada transkrip yang anda mahu (contohnya jika anda ingin menarik balik kenyataan tertentu yang anda dibuat semasa temu bual). Data

elektronik akan disimpan pada komputer yang dilindungi dengan kata laluan. Borang persetujuan yang telah ditandatangani dan salinan kertas transkrip temu bual akan disimpan di dalam kabinet fail dikunci di rumah saya.

Penggunaan Maklumat Penyelidikan

Keputusan kajian ini akan diterbitkan dalam tesis Sarjana saya, dan juga boleh digunakan untuk penerbitan persidangan, persembahan, dan diterbitkan dalam jurnal ulasan.

Penyertaan dan pengeluaran

Penyertaan anda adalah secara sukarela. Anda boleh menarik diri daripada kajian ini pada bila-bila masa, untuk sebarang sebab dan tanpa penjelasan. Jika anda ingin menyemak dan ingin membuat perubahan kepada transkrip temu bual itu, anda dibenarkan untuk berbuat demikian. Jika anda memilih untuk menarik diri daripada kajian ini, semua maklumat yang anda berikan semasa temu duga akan ditarik balik daripada kajian dan dimusnahkan.

Persetujuan dan Syarat persetujuan

Saya telah membaca dan memahami maklumat yang diberikan di atas, dan dengan ini bersetuju untuk mengambil bahagian dalam kajian ini di bawah syarat-syarat berikut:

Saya bersetuju untuk temuduga saya dirakam dalam bentuk audio

☐ Ya

☐ Tidak

Saya bersetuju untuk dikenal pasti dengan nama dalam produk penyelidikan

☐ Ya

☐ Tidak

Saya bersetuju untuk dinamakan dalam produk penyelidikan

☐ Ya

☐ Tidak

Nama Peserta _____ Tandatangan Peserta

Komitmen Student / Penyelidik

Saya, Diana Quah, berjanji untuk mematuhi prosedur yang diterangkan dalam bentuk kebenaran ini.

Tandatangan Palajar/Penyelidik _____ Tarikh

Peserta perlu disediakan satu salinan borang persetujuan yang ditandatangani.

深入訪談同意書（对于员工）



UUM
Universiti Utara Malaysia

馬來西亞職業安全與衛生法

學生/研究員

Diana Quah Kar Bee
法學碩士
Universiti Utara Malaysia
dianaquah87@yahoo.com.hk

學生主管

Dr. Che Thalbi Md. Ismail
高級講師
Universiti Utara Malaysia
chet1043@uum.edu.my

我是馬來西亞猶他州大學法學碩士的學生。我的題為“職業安全衛生法”的研究旨在確定外來工人面臨的實際困難和剝削情況，審查和分析健康和安全管理法律是否足以保護外來工人？我的希望是，我的研究將提出改善法律，以更好地保護馬來西亞的外國工人。

描述

研究參與者被要求完成面對面的研究訪談。如果你同意，你會被問到關於你在馬來西亞僱用外國工人的經歷和遇到的困難的問題。在你的允許下，採訪將會被錄音。您的參與將需要大約30分鐘的時間。您的身份將保持匿名。

對參與者有危害的風險

由于问题可能有些争议，您可能会面临雇主发现您参与这次采访的风险，并向雇主披露不平等待遇的真相。

研究信息/數據管理

所有記錄或您的參與將是保密的。只有我的主管和我才能訪問您被識別的信息。經您的許可，面試將被錄音，後來轉錄成文字。根據您的要求，您將被提供抄本副本，並邀請您根據需要對抄本進行更改（例如，如果您想撤回在面試過程中所作的特定聲明）。電子數據將存儲在受密碼保護的計算機上。簽名的同意書和面試成績單的紙質副本將存儲在我家中的鎖定文件櫃中。

研究信息的使用

本研究的結果將在我的碩士論文中發表，也可用於會議出版物，演示文稿，並發表在同行評議的期刊上。

參與退出

你的參與完全是自願的。 您可以隨時在任何時候退出研究，無論何種原因，無需解釋。 如果您想查看並可能對面試的成績單進行更改，您可以這樣做。 如果您選擇退學，您在面試過程中提供的所有信息都將從研究中撤銷並被銷毀。

同意和同意條件

我已閱讀並理解上述信息,並同意在以下條件下參與本研究:

- | | | |
|-----------------|----------------------------|----------------------------|
| 我同意面試錄音。 | <input type="checkbox"/> 是 | <input type="checkbox"/> 不 |
| 我同意在研究產品中以名稱確定。 | <input type="checkbox"/> 是 | <input type="checkbox"/> 不 |
| 我同意在研究的產品中引用。 | <input type="checkbox"/> 是 | <input type="checkbox"/> 不 |

參與者姓名 _____ 參與者簽名 _____

學生/研究員承諾

我，戴安娜誇，承諾遵守本同意書中描述的程呈序。

學生/研究員簽名 _____ 日期 _____

Universiti Utara Malaysia

應向與會者提供簽署的同意書副本。

Consent Form for In-depth interview (for employee)
ஆழமான நேர்காணலுக்கான ஒப்புதல் படிவம் (பணியாளருக்கு)



UUM
Universiti Utara Malaysia

The Law of Occupational Safety and Health of Foreign Workers in Malaysia

**மலேசியாவில் வெளிநாட்டு தொழிலாளர்கள் தொழில்
பாதுகாப்பு மற்றும் உடல்நலம் சட்டம்**

Student/Researcher

மாணவர் / ஆராய்ச்சியாளர்

Diana Quah Kar Bee
Master of Law
Universiti Utara Malaysia
dianaquah87@yahoo.com.hk

Student Supervisor

மாணவர் மேற்பார்வையாளர்

Dr. Che Thalbi Md. Ismail
Senior Lecturer
Universiti Utara Malaysia
chet1048@uum.edu.my

I am a student in the Masters of Law at Universiti Utara Malaysia. My research, entitled "*The Law on Occupational Safety and Health*" aims to identify the actual difficulties and exploitation faced by the foreign workers and to examine and analyse if the law governing health and safety protection sufficient to protect the foreign workers? My hope is that my research will suggest for the improvement on law to better protect the foreign workers in Malaysia

யுனிவர்த்சிட் டி உத்திரா மலேசிய சட்டத்தின் முதுநிலைப் படிப்பில் நான் ஒரு மாணவன். வெளிநாட்டு தொழிலாளர்கள் எதிர்கொள்ளும் உண்மையான கஷ்டங்களையும் சுரண்டலையும் அடையாளம் காணவும், வெளிநாட்டு தொழிலாளர்களை பாதுகாப்பதற்காக போதுமான சுகாதார மற்றும் பாதுகாப்புப் பாதுகாப்பை நிர்வகிக்கும் சட்டத்தை ஆய்வு செய்து ஆராயவும், மலேசியாவில் உள்ள வெளிநாட்டு தொழிலாளர்களை சிறப்பாக பாதுகாப்பதற்காக சட்டத்தின் முன்னேற்றத்திற்காக என் ஆராய்ச்சி பரிந்துரைக்கும் என்று என் நம்பிக்கை உள்ளது

Description

விளக்கம்

Research participants are asked to complete a face-to-face research interview. If you agree, you would be asked questions concerning your personal experiences of difficulties and exploitation faced working in Malaysia. Also you will be asked about the possible danger faced while working with your employer. With your permission, the interview would be audio reported. Your participation would require approximately 30 minutes of your time. Your identity will remain anonymous.

ஆராய்ச்சி பங்கேற்பாளர்கள் நேருக்கு நேராக ஆராய்ச்சி நேர்காணலை முடிக்க கேட்கப்படுகிறார்கள். நீங்கள் ஒப்புக்கொள்கிறீர்கள் என்றால், மலேசியாவில் பணிபுரியும் கஷ்டங்கள் மற்றும் சுரண்டல் ஆகியவற்றின் தனிப்பட்ட அனுபவங்களைப் பற்றிய கேள்விகளை நீங்கள் கேட்க வேண்டும். உங்கள் பணியிடத்தில் பணிபுரியும் போது ஏற்படும் அபாயத்தை பற்றி நீங்கள் கேட்கப்படுவீர்கள். உங்கள் அனுமதியுடன், பேட்டி ஆடியோ அறிவிக்கப்படும். உங்கள் பங்களிப்பு உங்கள் நேரம் சுமார் 30 நிமிடங்கள் தேவைப்படும். உங்கள் அடையாளமானது அநாமதேயமாக இருக்கும்.

Risk of harm to participant

பங்கேற்பாளருக்கு தீங்கு விளைவிக்கும் ஆபத்து

Since the questions asked could be somewhat controversial, you may face the risk of your employer finding out about your participation in this interview and exposing the truth about the inequality treatment from your employer.

கேள்விகளுக்கு கேட்டால் சற்றே சர்ச்சைக்குரியதாக இருக்கலாம். இந்த பேட்டிக்கு உங்கள் பங்களிப்பைப் பற்றி தெரிந்துகொள்ளவும், உங்கள் முதலாளியிடம் இருந்து சமத்துவமின்மை பற்றிய உண்மையை அம்பலப்படுத்தவும் உங்கள் முதலாளியின் அபாயத்தை நீங்கள் சந்திக்கலாம்.

Management of Research Information/Data

ஆராய்ச்சி தகவல்/ தரவு மேலாண்மை

All records of your participation would be confidential. Only my supervisor and I will have access to information in which you are identified. With your permission, the interview would be audio recorded and later transcribed into text. Upon your request, you will be provided a copy of the transcript and invited to make changes to the transcript as you wish (e.g. if you would like to withdraw a particular statement you made during an interview). Electronic data will be stored on a password-protected computer. Signed consent forms and paper copies of interview transcripts will be stored in a locked file cabinet in my home.

எல்லா பதிவுகளும் அல்லது உங்கள் பங்கேற்பு இரகசியமாக இருக்கும். என் மேற்பார்வையாளர் மற்றும் நீங்கள் அடையாளம் காணப்பட்ட

தகவலுக்கான அணுகலைப் பெறுவீர்கள். உங்கள் அனுமதியுடன், நேர்காணல் ஒலிப்பதிவு செய்யப்பட்டு பின்னர் உரைக்கு உரைக்கப்படும். உங்கள் வேண்டுகோளின் அடிப்படையில், டிரான்ஸ்கிரிப்ட்டின் நகலை உங்களுக்கு வழங்குவீர்கள். மேலும் நீங்கள் விரும்பும் படி டிரான்ஸ்கிரிப்ட்டில் மாற்றங்களை செய்ய அழைக்கப்படுவீர்கள் (எ.கா. ஒரு நேர்காணலின் போது குறிப்பிட்ட ஒரு அறிக்கையை நீங்கள் திரும்பப் பெற விரும்பினால்). மின்னணு தரவு ஒரு கடவுச்சொல் பாதுகாக்கப்பட்ட கணினியில் சேமிக்கப்படும். கையொப்பமிடப்பட்ட ஒப்புதல் படிவங்கள் மற்றும் பேட்டி பிரதிகள் பற்றிய பிரதிகள் என் வீட்டில் ஒரு பூட்டிய கோப்பு அமைச்சரவைக்குள் சேமிக்கப்படும்.

Use of Research Information

ஆராய்ச்சி தகவல் பயன்பாடு

The results of this study will be published in my Masters thesis, and may also be used for conference publications, presentations, and published in peer-reviewed journals.

இந்த ஆய்வின் முடிவு எனது மாஸ்டர்ஸ் ஆய்வில் வெளியிடப்படும், மேலும் மாநாட்டின் பிரசுரங்கள், விளக்கக்காட்சிகள் மற்றும் சக மதிப்பாய்வு பத்திரிகைகள் ஆகியவற்றில் வெளியிடப்படலாம்.

Participation and withdrawal

பங்கேற்புமற்றும் திரும்பப் பெறுதல்

Your participation is completely voluntary. You may withdraw from the study at any time where practicable, for any reason, and without explanation. If you would like to review and potentially make changes to the transcript of the interview, you are allowed to do so. If you choose to withdraw from the study, all information you provided during the interview would be withdrawn from the study and destroyed.

உங்கள் பங்களிப்பு முழுமையாக தன்னார்வமாக உள்ளது. எந்த நேரத்திலும் நடைமுறையில், எந்த காரணத்திற்காகவும், விளக்கமளிக்காமல், எந்த நேரத்திலும் நீங்கள் படிப்பிலிருந்து விலக்கலாம். நீங்கள் மறுபரிசீலனை செய்ய விரும்பினால், நேர்காணல் டிரான்ஸ்கிரிப்ட்டில் மாற்றங்களைச் செய்யலாம் என்றால், அவ்வாறு செய்ய அனுமதிக்கப்படுவீர்கள். ஆய்வில் இருந்து நீங்கள் பின்வாங்க விரும்பினால், நேர்காணலின் போது நீங்கள் வழங்கிய அனைத்து தகவல்களும் படிப்பிலிருந்து விலக்கப்பட்டு அழிக்கப்படும்.

Consent and Conditions of Consent

ஒப்புதல் மற்றும் ஒப்புதல் நிபந்தனைகள்

I have read and understand the information provided above, and hereby consent to participate in this research under the following conditions:

மேலே வழங்கப்பட்ட தகவலை நான் படித்து புரிந்து கொண்டு, பின்வரும் வழிகளில் இந்த ஆராய்ச்சிக்கு பங்கேற்க ஒப்புக்கொள்கிறேன்:

I consent to the interview being audio recorded.

☐☐

பதிவு செய்யப்பட்ட ஆடியோ

Yes/

No/

நேர்காணலுக்கு நான் ஒப்புக்கொள்கிறேன்.

ஆம்

இல்லை

I consent to being identified by name in the products of the research.

☐☐

ஆராய்ச்சி தயாரிப்புகளின் பெயரில்

Yes/

No/

அடையாளம் காண நான்

ஆம்

இல்லை

ஒப்புக்கொள்கிறேன்.

I consent to being quoted in the products of the research.

☐☐

நான் ஆராய்ச்சியின் தயாரிப்புகளில்

Yes/

No/

மேற்கோள் காட்ட ஒப்புக்கொள்கிறேன்.

ஆம்

இல்லை

Participant Name/ பங்கேற்பாளரின் பெயர் _____

Participant Signature/ பங்கேற்பாளர் கையொப்பம் _____

Universiti Utara Malaysia

Commitment of Student/Researcher

மாணவர்/ ஆராய்ச்சியாளரின் ஒப்புதல்

I, Diana Quah, promise to adhere to the procedures described in this consent form.

நான், டயானா குவா, இந்த ஒப்புதல் வடிவத்தில் விவரிக்கப்பட்ட

நடைமுறைகள் கடைபிடிக்கின்றன உறுதியளிக்கிறேன்.

Student/Researcher: Signature _____

Date: _____

Participants should be provided a copy of the signed consent form.

பங்கேற்பாளர்கள் கையொப்பமிடப்பட்ட ஒப்புதல் படிவத்தின் நகலை

வழங்க வேண்டும்.

Consent Form for In-depth interview (for employee)

แบบฟอร์มยินยอมสำหรับการสัมภาษณ์เชิงลึก (สำหรับพนักงาน)



The Law of Occupational Safety and Health of Foreign Workers in Malaysia

กฎหมายว่าด้วยความปลอดภัยในการประกอบอาชีพและสุขภาพของแรงงานต่างด้าวในประเทศมาเลเซีย

Student/Researcher

นักศึกษา / นักวิจัย

Diana Quah Kar Bee
Master of Law
Universiti Utara Malaysia
dianaquah87@yahoo.com.hk

Student Supervisor

หัวหน้านิสิต

Dr. Che Thalbi Md. Ismail
Senior Lecturer
Universiti Utara Malaysia
chet1048@uum.edu.my

I am a student in the Masters of Law at Universiti Utara Malaysia. My research, entitled "*The Law on Occupational Safety and Health*" aims to identify the actual difficulties and exploitation faced by the foreign workers and to examine and analyse if the law governing health and safety protection sufficient to protect the foreign workers? My hope is that my research will suggest for the improvement on law to better protect the foreign workers in Malaysia

ฉันเป็นนักศึกษาปริญญาโทด้านกฎหมายที่ Universiti Utara Malaysia งานวิจัยของฉันเรื่อง "กฎหมายว่าด้วยความปลอดภัยในการประกอบอาชีพ และด้านสุขภาพมีจุดมุ่งหมายในการระบุปัญหาที่เกิดขึ้นจริง และการแสวงประโยชน์โดยแรงงานชาวต่างชาติที่ต้องเผชิญและตรวจสอบและวิเคราะห์ว่ากฎหมายว่าด้วยการคุ้มครองสุขภาพและความปลอดภัยเพียงพอที่จะปกป้องแรงงานต่างด้าวหรือไม่?

ฉันหวังว่าการวิจัยของฉันจะแนะนำให้มีการปรับปรุงกฎหมายเพื่อปกป้องแรงงานต่างด้าวในมาเลเซียให้ดียิ่งขึ้น

Description

ลักษณะ

Research participants are asked to complete a face-to-face research interview. If you agree, you would be asked questions concerning your personal experiences of difficulties and exploitation faced working in Malaysia. Also you will be asked about

the possible danger faced while working with your employer. With your permission, the interview would be audio reported. Your participation would require approximately 30 minutes of your time. Your identity will remain anonymous.

ผู้เข้าร่วมการวิจัยได้รับการขอให้ทำการสัมภาษณ์งานวิจัยแบบตัวต่อตัว

หากคุณเห็นด้วยคุณจะถูกถามคำถามเกี่ยวกับประสบการณ์ส่วนตัวของคุณเกี่ยวกับความยากลำบากและการแสวงประโยชน์ ที่ต้องเผชิญในมาเลเซีย นอกจากนี้คุณจะถูกถามเกี่ยวกับอันตรายที่เฝ้าระวังได้ที่ต้อเผชิญในขณะที่ทำงานกับนายจ้างของคุณ

ด้วยความยินยอมของคุณการสัมภาษณ์จะมีการรายงานด้วยเสียง การเข้าร่วมของคุณจะต้องใช้เวลาประมาณ 30 นาที

ข้อมูลประจำตัวของคุณจะไม่เปิดเผยชื่อ

Risk of harm to participant

ความเสี่ยงต่ออันตรายของผู้เข้าร่วม

Since the questions asked could be somewhat controversial, you may face the risk of your employer finding out about your participation in this interview and exposing the truth about the inequality treatment from your employer.

เนื่องจากคำถามที่ถามอาจขัดแย้งกันมากคุณอาจต้องเผชิญกับความเสี่ยงที่นายจ้างของคุณจะได้ทราบเกี่ยวกับการเข้าร่วมการสัมภาษณ์ของคุณและเปิดเผยความจริงเกี่ยวกับการรักษาความเสมอภาคของนายจ้าง

Management of Research Information/Data

การจัดการข้อมูล / ข้อมูลการวิจัย

All records of your participation would be confidential. Only my supervisor and I will have access to information in which you are identified. With your permission, the interview would be audio recorded and later transcribed into text. Upon your request, you will be provided a copy of the transcript and invited to make changes to the transcript as you wish (e.g. if you would like to withdraw a particular statement you made during an interview). Electronic data will be stored on a password-protected computer. Signed consent forms and paper copies of interview transcripts will be stored in a locked file cabinet in my home.

บันทึกทั้งหมดหรือการมีส่วนร่วมของคุณจะเป็นความลับ เฉพาะหัวหน้างานของฉันและฉันจะสามารถเข้าถึงข้อมูลที่ระบุได้

ด้วยการอนุญาตจากการสัมภาษณ์จะเป็นการบันทึกเสียงและบันทึกลงในข้อความ

ตามคำขอของคุณคุณจะได้รับสำเนาสำเนาและขอให้เปลี่ยนการถอดเสียงตามที่คุณต้องการ

(เช่นถ้าคุณต้องการถอนคำแถลงที่คุณได้ทำในระหว่างการสัมภาษณ์)

ข้อมูลอิเล็กทรอนิกส์จะถูกเก็บไว้ในคอมพิวเตอร์ที่มีการป้องกันด้วยรหัสผ่าน

แบบฟอร์มยินยอมที่ลงลายมือชื่อและสำเนาเอกสารการสัมภาษณ์จะถูกเก็บไว้ในตู้เก็บเอกสารที่ถูกล็อกไว้ในบ้านของฉัน

Use of Research Information

การใช้ข้อมูลการวิจัย

The results of this study will be published in my Masters thesis, and may also be used for conference publications, presentations, and published in peer-reviewed journals.

ผลของการศึกษานี้จะได้รับการตีพิมพ์ในวิทยานิพนธ์ปริญญาโทของฉันและอาจใช้เป็นข้อมูลสำหรับงานประชุมเอกสารการนำเสนอและตีพิมพ์ในวารสาร peer-reviewed

Participation and withdrawal

การมีส่วนร่วมและการถอนตัว

Your participation is completely voluntary. You may withdraw from the study at any time where practicable, for any reason, and without explanation. If you would like to review and potentially make changes to the transcript of the interview, you are allowed to do so. If you choose to withdraw from the study, all information you provided during the interview would be withdrawn from the study and destroyed.

การมีส่วนร่วมของคุณ เป็นไปโดยสมัครใจอย่างสมบูรณ์ คุณอาจถอนตัวออกจากการศึกษาได้ทุกเมื่อที่ทำได้ไม่ว่าด้วยเหตุใด ๆ และไม่มีค่าใช้จ่าย หากคุณต้องการตรวจสอบและอาจทำการเปลี่ยนแปลงสำเนาของการสัมภาษณ์คุณจะได้รับอนุญาตให้ทำเช่นนั้น หากคุณเลือกที่จะถอนตัวจากการศึกษาข้อมูลทั้งหมดที่คุณให้ไว้ในระหว่างการสัมภาษณ์จะถูกถอนออกจากการศึกษาและถูกทำลาย

Consent and Conditions of Consent

ยินยอมและเงื่อนไขการยินยอม

I have read and understand the information provided above, and hereby consent to participate in this research under the following conditions:

ฉันได้อ่านและทำความเข้าใจข้อมูลที่ได้รับไว้ข้างต้นและขอยินยอม ให้เข้าร่วม ในการ วิจัยนี้ภายใต้เงื่อนไขต่อไปนี้:

I consent to the interview being audio recorded.

ฉันยินยอม ให้สัมภาษณ์เป็นบันทึกเสียง

☐

Yes/ ใช่

☐

No/ไม่

I consent to being identified by name in the products of the research.

ฉันยอมรับที่จะถูกระบุโดยชื่อ ในผลิตภัณฑ์ของการวิจัย

☐

Yes/ใช่

☐

No/ไม่

I consent to being quoted in the products of the research.

ฉันยอมรับที่จะถูกยกเอาในผลิตภัณฑ์ของการวิจัย

☐

Yes/ใช่

☐

No/ไม่

Participant Name/ ชื่อผู้เข้าร่วม: _____

Participant Signature/ ลายเซ็นของผู้เข้าร่วม: _____

Commitment of Student/ Researcher

ความมุ่งมั่นของนักศึกษา / นักวิจัย

I, Diana Quah, promise to adhere to the procedures described in this consent form.

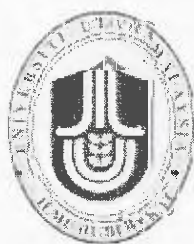
ฉันได้อ่านและทราบดีว่าฉันจะปฏิบัติตามขั้นตอนที่ได้อธิบายไว้ในใบยินยอมนี้

Student/Researcher Signature _____ Date _____

Participants should be provided a copy of the signed consent form.

ผู้เข้าร่วมทุกคนจะได้รับสำเนา ใบยินยอมที่ลงนาม

Appendix C – Interview Questions For Employer



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INTERVIEW QUESTIONS FOR THE MASTER OF LAW (FOR EMPLOYERS-open ended) (LL.M)

SOAL SELIDIK TINJAUAN UNTUK SARJANA UNDANG-UNDANG (LLM)

Title of Research: Occupational Safety and Health of Foreign Workers in Malaysia

Tajuk Penyelidikan: Keselamatan dan Kesihatan Pekerja Asing di Malaysia

1. As an employer to the foreign workers, what are your responsibilities towards your foreign workers under the Law? Please list down.
2. Of all that you have mentioned, which one do you consider is lacking in the employers employing foreign workers in our country today? Please explain.
3. Is there a difference between foreign worker and local worker under Occupational Safety and Health Act 1994?
4. How can the involvement and support from the government to the employers has contributed towards the prevention of workplace injury for the foreign workers?
5. What has worked well for you so far? Please elaborate.
6. What other types of support (from other parties) do you think would help to improve the OSH of foreign workers in Malaysia?
7. When there is injuries and death suffered by the foreign workers at workplace, which parties do you think is most likely to be responsible?
8. What other party/parties do you think could also contribute in improving the current state of OSH for foreign workers in Malaysia?
9. As an employer yourself, what is the weakness in the current Law in providing sufficient protection to the foreign workers? Please elaborate.
10. As an employer yourself, how likely can an employer escaped from liability when their foreign worker suffers injury or even death at their work place?
11. Lastly, what recommendations do you have for reducing the exploitation of foreign workers

Is there anything else that you would like to add? Thank you for your time.



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**INTERVIEW QUESTIONS FOR THE MASTER OF LAW (FOR
EMPLOYERS-close ended)
(LL.M)**

***SOAL SELIDIK TINJAUAN UNTUK
SARJANA UNDANG-UNDANG (LLM)***

Title of Research: Occupational Safety and Health of Foreign Workers in Malaysia

Tajuk Penyelidikan: Keselamatan dan Kesihatan Pekerja Asing di Malaysia

1. Have you heard of the "Preventive Safety Culture" suggested by OSH- Master Plan 2015?
2. If you were to hire a foreign worker without a proper contract, would you still consider that foreign worker as your employee? If yes would you still give him/her the same treatment as your other employee?
3. In your opinion, do you think your effort of providing the foreign worker a safe workplace has to do with what is required by the law?
4. Is it true that many employers avoid hiring foreign worker in the proper way (by having a contract) because they will have more responsibilities under the law as compared to those that is hired without a contract?
5. Is SOCSO important for all employees (including foreign workers)?
6. Do you know that foreign workers are not covered by SOCSO?
7. Are all your foreign workers covered by medical insurance?
8. Is there a requirement under the law that you are responsible to make a report when your foreign workers are injured at work?
9. Have you heard of Trade Union?
10. Do you allow your foreign workers to be part of Trade Union?
11. If you have to choose between spending money to provide safety equipment and training to your foreign workers and being fined by the enforcement officer after being exposed, which one would you choose? Please be honest with your answer.
12. Lastly, do you think it is true that prevention of accident at workplace is better than to provide compensation after injury or death happen? Why?

Is there anything else that you would like to add? Thank you for your time.

Appendix D – Interview Questions for Foreign Workers



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INTERVIEW QUESTIONS FOR THE MASTER OF LAW (FOR FOREIGN WORKERS-open ended) (LL.M)

SOAL SELIDIK TINJAUAN UNTUK SARJANA UNDANG-UNDANG (LLM)

Title of Research: Occupational Safety and Health of Foreign Workers in Malaysia

Tajuk Penyelidikan: Keselamatan dan Kesihatan Pekerja Asing di Malaysia

1. As a foreign worker in Malaysia, what are your rights for your safety and health at workplace under the Law? Please list down.
2. Of all that you have mentioned, which one is not available for you at your workplace? Please explain.
3. What will happen when you are injured at workplace?
4. What are the inequality treatment faced by you at your workplace? Please elaborate.
5. What other types of support (from other parties) do you wish to get in order to improve your rights as an employee in Malaysia? Please list down.
6. When there is injuries and death suffered by the foreign workers at workplace, which parties do you think is most likely to be responsible?
7. What usually happens when there is injury or death (if at all) happened at your workplace? Please elaborate.
8. What are the difficulties faced by you at workplace when it comes to your rights, and work safety?
9. Lastly, what changes would you like to see in the future in the providing a better protection for foreign workers?

Is there anything else that you would like to add? Thank you for your time.



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**INTERVIEW QUESTIONS FOR THE MASTER OF LAW (FOR FOREIGN WORKERS -closed ended)
(LL.M)**

***SOAL SELIDIK TINJAUAN UNTUK
SARJANA UNDANG-UNDANG (LLM)***

Title of Research: Occupational Safety and Health of Foreign Workers in Malaysia

Tajuk Penyelidikan: Keselamatan dan Kesihatan Pekerja Asing di Malaysia

1. Do you think having a work contract with your employer is important? Why?
2. Do you have medical insurance?
3. How long do you work in a day?
4. What are the inequality treatments faced by you at your workplace? Please elaborate.
5. What other types of support (from other parties) do you wish to get in order to improve your rights as an employee in Malaysia? Please list down.
6. When there is injuries and death suffered by the foreign workers at workplace, which parties do you think is most likely to be responsible?
7. What usually happens when there is injury or death (if at all) happened at your workplace? Please elaborate.
8. What are the difficulties faced by you at workplace when it comes to your rights, and work safety?
9. Lastly, what changes would you like to see in the future in the providing a better protection for foreign workers? Is there anything else that you would like to add? Thank you for your time.

Appendix E- Sample of contract of employment

CONTRACT OF EMPLOYMENT

This **CONTRACT OF EMPLOYMENT** is made on this day.... month of.....20... between..... (hereinafter referred to as "the Employer") of one part and..... Passport No. and/or Birth Registration No. (hereinafter referred to as "the Worker") of the other part.

WHEREAS the Employer shall employ the Worker in accordance with the terms and conditions of this Contract of Employment and subject to the laws, regulations, rules, national policies and directives of Malaysia.

IT IS HEREBY AGREED as follows:

1. Duration of this Contract of Employment

The duration of this Contract of Employment shall be for a period of year(s) commencing on the day of arrival of the Worker in Malaysia until such time the Contract of Employment is terminated in accordance with the terms and conditions of this Contract of Employment.

2. Wages

2.1 The Worker shall receive a basic wage of RM (excluding allowances and overtime). This basic wage shall comply with the national minimum wage.

2.2 Wages shall be paid by the Employer on a monthly basis not later than seventh day of the following month.

2.3 The payment of the monthly wages shall be made through a bank account in the worker's name

3. Working Hours

Working hours shall be eight (8) hours per day in accordance with the labour laws in Malaysia.

4. Overtime

In the event the Worker, upon the request by the Employer, agrees to work in excess of his normal working hours, the Worker shall be paid in

accordance with the labour laws in Malaysia.

5. Rest Day

5.1 The Worker shall be entitled to one (1) rest day in each week

5.2 In the event the Worker, upon the request by the employer, agrees to work on such rest day, the worker shall be paid in accordance with the labour laws in Malaysia.

6. Public Holiday

6.1 The Worker shall be entitled to public holidays in accordance with the labour laws in Malaysia.

6.2 In the event the Worker, upon the request by the employer, agrees to work on such public holiday, the worker shall be paid in accordance with the labour laws in Malaysia.

7. Annual Leave

The Worker shall be entitled to annual leave in accordance with the labour laws in Malaysia.

8. Levy

The payment of levy is subject to the relevant laws, rules, regulations, national policies and directives applicable in Malaysia from time to time in force.

9. Medical and Accident Insurance

The Worker shall be insured under the Foreign Worker's Compensation Scheme (FWCS) under the Workmen's Compensation Act 1952 and if applicable, the Foreign Workers Health Insurance Scheme (SPIKPA).

10. Deductions

The Employer is entitled to make deduction for not more than 50% in a month from the Worker's wages in the event of any monetary advance in accordance with the labour laws in Malaysia.

11. Accommodation

The Employer shall provide the Worker with reasonable accommodation

with basic amenities in accordance with the laws, regulations, rules, national policies and directives in Malaysia.

12. Sick Leave

The Worker shall be entitled to a paid sick leave in accordance with the labour laws in Malaysia.

12.1 Any penalty or compound due to the failure of the Employer to do so shall be borne by the Employer.

13. Air Passage

The first travelling expenses from to any agreed point of entry in Malaysia shall be borne by the Worker and the expenses from any agreed point of exit in Malaysia to shall be borne by the Employer upon completion of this Contract of Employment.

14. Repatriation

14.1 The repatriation cost of the Worker from his place of work in Malaysia to his original exit point in shall be borne by the Employer under the following circumstances:

- (i) at the completion of this Contract of Employment;
- (ii) termination of this Contract of Employment by the Employer other than non-compliance of the terms and conditions of this contract of employment by the worker;
or
- (ii) termination of this Contract of Employment by the worker due to non-compliance of the terms and conditions of this Contract of Employment by the Employer.

14.2 The Worker shall be responsible for all expenses relating to repatriation under other circumstances that are not mentioned in Clause 15.1.

The term "original exit point" in this Contract of Employment shall mean

15. Repatriation in the Case of Death of the Worker

In the event of death of the Worker, the funeral and repatriation of the remains shall be arranged at the expense of the Employer as provided for the Workmen's Compensation Act 1952 [*Act 273*].

16. Termination

16.1 In the event the Employer intends to terminate this Contract of Employment, the Employer shall give two (2) months' notice of his intention to terminate such Contract of Employment or two (2) months' wages in lieu of notice to the Worker, and shall provide air fare to for the Worker.

16.2 In the event the Worker intends to terminate this Contract of Employment, the Worker shall give two (2) months' notice or indemnify two (2) months' wages in lieu thereof to the Employer and the Worker shall bear the cost of air fare to

17. Restrictions

17.1 The Worker shall not participate in any political activities or activities of those connected with political organizations in Malaysia.

17.2 The Worker shall not change employment during this Contract of Employment period and shall not carry or do other business.

17.3 If the Worker is found by the competent authority concerned creating social problems or engaging in any illegal, subversive or criminal activities, the Worker shall be dismissed from the job and shall be repatriated to at the Worker's own expenses.

17.4 In the event the Worker marries any person in Malaysia during the worker's period of employment under this Contract of Employment, the Government of Malaysia reserves the right to revoke the Visit Pass (Temporary Employment) of the Worker.

18. Extension

The Employer and the Worker may agree that the contract of employment may be extended, subject to relevant laws, regulations, rules, national policies and directives relating to employment applicable in Malaysia.

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19. Safekeeping of the Passport

19.1 The Employer shall not keep the passport of the Worker in his/her custody.

19.2 The Worker shall carry the passport all the time. In the event that the Worker's passport is lost or damaged, the Worker shall bear all related expenses.

19.3 The Worker shall submit the passport to the Employer for the following purposes:

- (i) medical screenings;
- (ii) application of Visit Pass (Temporary Employment);
- (iii) application of Foreign Workers Identity Card; and
- (iv) renewal of Visit Pass (Temporary Employment).

The passport shall be returned to the Worker upon completion of these purposes.

In the event that the Worker's passport is lost or damaged while in the custody of the Employer for the above mentioned purposes, the Employer shall bear all related expenses.

20. Foreign Worker Identity Card

The employer shall ensure that each Worker receives the Foreign Worker Identity Card (I-Kad).

21. Outstanding Wages

In the event the worker is to be repatriated before the expiry of this Contract of Employment, the employer shall pay all outstanding basic wages and all other payments owed to the worker subject to the relevant laws, regulations, rules, national policies and directives relating to employment applicable in Malaysia.

22. Amendment

The Employer and the Worker may amend this Contract of Employment to incorporate any other terms and conditions which shall be more favourable to the Worker.

23. Time is an Essence

Time whenever mentioned shall be the essence of this Contract of Employment.

24. Interpretation

In the event there is a conflict of interpretation between the English text and any text in other language used in this Contract of Employment, the English text shall prevail.

25. Laws

This Contract of Employment shall be subjected to the laws of Malaysia.

26. Succession

This Contract of Employment shall be binding of the successor in title, assigns, personnel, representatives of the parties hereto.

27. Language of this Contract of Employment

This Contract of Employment shall be prepared in four (4) original texts, two (2) each in English and language of the country of origin of the worker, all texts being equally authentic.

28. Renewal of Worker's Visit Pass (Temporary Employment)

28.1 The Employer shall renew the Worker's Visit Pass (Temporary Employment) three (3) months before the expiry date.

IN WITNESS WHEREOF the parties hereto have signed this Contract of Employment on the day and year mentioned at the beginning of this Contract of Employment.

.....

.....

(Employer's Signature)

Name:

NRIC No.

Address:

.....

(Worker's Signature)

Name:

Passport No.:

Emergency Contact No.

.....

declare details of (Signature of Witness from Employer) my dependant:

Name:

Address:

I hereby

Name:

Address:

Contact No.

.....

..... (Signature of
Witness from Worker)

Name:

Address:

(Note:

For Cambodia workers, they shall request approval with Cambodian Recruitment Agency for the extension of the Contract of Employment agreed between the worker and the employer. This is upon the request from the Cambodian Government and was included in the MOU signed on 10 December 2016